

AUG 6 2009

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
MUR 6076) CASE CLOSURE UNDER THE
THEODORE "TED" F. STEVENS) ENFORCEMENT PRIORITY SYSTEM
STEVENS FOR SENATE AND)
TIMOTHY A. McKEEVER, AS TREASURER)

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated _____
_____ are forwarded to
the Commission with a recommendation for dismissal, or in certain cases where the complaint is
speculative or missing key information a no reason to believe finding.

The complainant in this matter, Patti Higgins, who chairs the Alaska Democratic Party,
alleges that then-Senator Ted Stevens and his campaign committee, Stevens for Senate and Timothy
A. McKeever, in his official capacity as treasurer ("the Committee"), aired two television
advertisements on multiple television stations, during an unspecified period of time, which
contained inadequate disclaimers. Specially, the complainant asserts that the advertisements failed
to conclude with a written authorization stating that Senator Stevens had approved them, in
violation of 2 U.S.C. § 441d(d)(1)(B)(ii) and 11 C.F.R § 110.11(c)(3)(iii). (The complainant
concedes that a "written disclaimer," which she does not describe further, appeared on-screen in the
middle of the advertisements.) Although she asserts that copies of the advertisements were attached
to the complaint, no such copies were included.¹

In response, Mr. McKeever, the Committee's treasurer, stated that the Committee placed no
orders for television advertisements from August 27, 2008, the day after the August 26, 2008

¹ When this Office reached out to complainant and inquired about the missing documentation, she did not provide
copies of the advertisements at issue, but rather stated that she wanted to withdraw the complaint.

Alaska primary election, until September 1 and 2, 2008, and then ceased to run television advertisements until September 15, 2008, the date of the complaint. According to Mr. McKeever, on September 15, 2008 one television station mistakenly broadcast a message including an incorrect disclaimer, which allegedly was run without the Committee's authorization. Mr. McKeever included a copy of an email from the television station who acknowledged running the wrong advertisement. Finally, noting that the complainant failed to include copies of the advertisements referenced in her complaint, Mr. McKeever asserted that it is unclear whether she is referring to the September 15, 2008 advertisement and maintained that, without copies of the advertisements, the Committee cannot respond further to the complaint because it does not know which of its advertisements have allegedly violated the "disclaimer" provisions of the Federal Election Campaign Act of 1971, and its underlying regulations. Mr. McKeever concluded by offering to respond to the complaint in more detail if the Committee is provided with copies of the purportedly violative advertisements.

As noted, this Office was not provided with copies of the advertisements at issue. Accordingly, based upon the response and the fact that we received no further information from the complainant directly related to the alleged violation, we recommend that the Commission find that there is no reason to believe that Senator Stevens and his Committee violated 2 U.S.C. § 441d(d)(1)(B)(ii) and 11 C.F.R § 110.11(c)(3)(iii).


RECOMMENDATIONS

1. Find no reason to believe that Senator Theodore "Ted" F. Stevens violated 2 U.S.C. § 441d(d)(1)(B)(ii) and 11 C.F.R § 110.11(c)(3)(iii).
2. Find no reason to believe that Stevens for Senate and Timothy A. McKeever, in his official capacity as treasurer, violated 2 U.S.C. § 441d(d)(1)(B)(ii) and 11 C.F.R § 110.11(c)(3)(iii).
3. Close the file and send the appropriate letters.

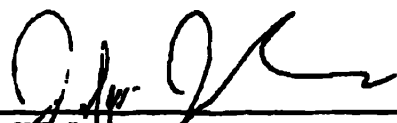
Thomasenia P. Duncan
General Counsel

9/5/09
Date

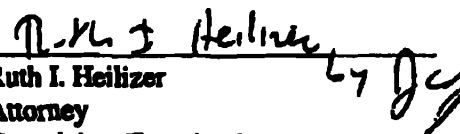
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